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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,674	03/17/2004	Eberhard Bock	8470G-000012	2684

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EXAMINER

PEAVEY, ENOCH E

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,674

Applicant(s)

BOCK ET AL.

Examiner

Enoch E Peavey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

HC

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DETAILED ACTION

I. Claims s 1-12 are ejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "held therein in a interlocking manner", appears to be new matter.

Claim Rejections - 35 USC § 102

II. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

A. Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gyory et al., US No. 3,671,048 ("Gyory").

i. Gyory discloses a seal (Fig. 4) comprising a sealing element. The sealing element is fitted with a sealing surface (21). The sealing element is provided with a facing including a non-woven material impregnated with at least one polymer dispersion (col. 3, lines 6-7).

ii. The facing forms the sealing surface (Fig. 4). The facing is disposed on a surface of the sealing element and is oriented toward an outside of the sealing element (Fig. 4).

iii. The seal comprises a stiffening ring (20). One layer of the nonwoven material is impregnated with PTFE dispersion (i.e. the PTFE fibers).

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 6-8 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gyory in view of Petrak, US No. 5,655,781 ("Petrak") and further as a matter of design choice.

i. Gyory does not disclose the seal having a dust lip and a spring element provided thereon. Petrak discloses such an arrangement in order to provide an effective seal.

ii. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gyory as taught by Petrak in order to provide an effective seal.

iii. Because applicant has not stated that the specific geometry serve any particular purpose or solve any stated problem it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Gyory as taught by Petrak, and make the sealing element v-shpaed as a matter of choice in design.

Response to Arguments

IV. Applicant's arguments filed 12 April 2005 have been fully considered but they are not persuasive. Applicant argues that Gyory does not disclose a recess in the seal lip containing a non-woven material held in an interlocking manner. Examiner disagrees. The cut out in 19, clearly forms a recess in the member, which abuttingly receives 21,

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further there is interlocking between 19 and 21 in as much as disclosed by applicant in the instant application.

Applicant further argues that Gyory does not disclose a nonwoven material. Examiner disagrees, felt is a non-woven material.

With regard to claim 19, applicant argues that Gyory doesn't even disclose a second ring. Examiner agrees. However, applicant is directed to the claim language of 19, which never positively claims the second ring, shaft or rod. The claim was being examined as it pertained to the subcombination comprising only one ring.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enoch E. Peavey whose telephone number is (571) 272-7061. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571) 272-7049. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 26, 2005

Enoch E Peavey
Primary Examiner
Art Unit 3676

